



State of Tennessee Department of Children's Services

Administrative Policies and Procedures: 1.31

Subject: Special Investigations

Supersedes: None

Local Policy: No

Local Procedures: No

Training Required: No

Applicable Practice Model Standard(s): No

Approved by:

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Application

To All Department of Children's Services Employees

Authority: TCA 37-5-105, 37-5-106, 37-5-176, 37-1-401 *et seq.*, 37-1-601 *et seq.*

Policy

The Department of Children's Services Special Investigations Unit (SIU) shall conduct investigations of child abuse and neglect that occur while a child is in DCS custody and residing in a DCS or contract agency placement and allegations of child abuse or neglect involving non-custodial children such as children in licensed day care facilities, licensed child care agencies, schools, religious organizations or youth groups. Non-custodial investigations do not include child-on-child sexual abuse. The SIU shall make every effort to insure the child's attachment issues and the trauma of placement moves are addressed in the investigative process. SIU shall also conduct investigations into those allegations that would affect the alleged perpetrator's employment or volunteer status as it relates to working with children.

Procedures

A. Criteria for a special investigation

The SIU reports to the Office of the Inspector General and is responsible for conducting investigations involving reports of child abuse and/or neglect in the following situations:

1. Custodial Children

Allegations of child abuse or neglect on children in DCS custody, and allegations against a child in custody who

reside in a:

- ◆ Resource placement
- ◆ Kinship placement
- ◆ Licensed contract agency placement
- ◆ Youth Development Center
- ◆ Group Home
- ◆ Emergency Shelter

2. This does not include allegations that occur while a child is on a home visit, a trial home placement, or on runaway.

3. Non-Custodial Children

Allegations of child abuse or neglect involving children under the supervision or care of an individual or individuals functioning in an official employment or volunteer capacity; such as licensed day care facilities, licensed child care agencies, schools, religious organizations or youth groups.

4. DCS Employees

Current DCS employees named as alleged perpetrators of child abuse or neglect or alleged perpetrators residing in the home of a DCS employee.

5. Multiple victims

Regional staff may request assistance on macro cases or mega family investigations through the Director of Special Investigations Unit (SIU).

B. Reporting procedures

In compliance with *TCA 37-1-403*, any person with knowledge or suspicion of alleged child abuse or neglect shall contact DCS Central Intake as soon as possible to report the information.

C. Assignment of SIU referrals

All reports alleging abuse or neglect that meet the investigative criteria for SIU shall be processed through DCS Central Intake. Notifications to the SIU team leader will be made according to Central Intake policy.

**D. Notification
procedure at the
initiation of an
investigation**

1. SIU staff shall comply with State statutes regarding notifications of Child Protective Investigative Team (CPIT) members and coordination of investigative activities.
2. SIU staff shall notify immediately:
 - a) The following staff as appropriate upon receipt of an investigation involving a DCS employee:
 - ◆ Internal Affairs
 - ◆ Regional Administrator
 - ◆ YDC Superintendent
 - ◆ Group Home Director
 - b) Appropriate DCS home county case manager and Regional Administrator of an investigation involving a DCS custodial child or DCS foster home within twenty-four (24) hours of initiating an investigation. All information is confidential and regional staff is prohibited from sharing information about the investigation with the foster parents.
 - c) DCS foster parent(s) advocate (foster parents must have access to a Foster Parent Advocate via the Foster Parent Bill of Rights (*TCA 37-2-415 (23)*) upon request of the foster parent. The advocate shall be permitted to be present at all portions of the investigation when the accused foster parent(s) are present. All information received by the advocate therein shall remain confidential.
 - d) Private provider administration and the DCS Division of Resource Management the following business day, of an investigation involving a provider staff member.
 - e) Department of Human Services Day Care Licensing division upon receipt of an investigation involving a licensed day care center. If the referral is received after hours, the notification shall occur the following business day.

**E. Initiating the
investigation**

The SIU staff shall initiate the investigation within the assigned response time according to policy. SIU staff shall coordinate investigative activities with DCS Internal Affairs, DCS licensing, DHS, DMHDD and DOH licensing, law enforcement, and others as appropriate and in a timely manner to ensure child safety and well-being.

F. Conducting the investigation

1. During the course of an investigation, all children in the resource home, including biological and adopted, shall be assessed for safety risks by SIU.
2. The victim interview shall be conducted using forensic child interviewing techniques. When possible, the interview shall take place in a neutral setting that is non-threatening and conducive to building trust and rapport between the child and the interviewer.
3. Interviews with the alleged perpetrator, siblings, witnesses and collaterals shall take place to gather relevant information to the investigation. Information accessible through open or closed DCS case files, TNKIDS, and *Social Services Management System* (SSMS) shall also be considered as relevant to the investigation and made available to the SIU investigator.
4. SIU and Internal Affairs shall share information during an investigation involving a DCS employee, DCS facility, and contract agency employee or as appropriate in a joint investigation
5. DCS legal staff shall be contacted prior to filing legal petitions and for case consultation as deemed necessary.
6. **For DCS custodial children:**
 - a) SIU staff shall determine who conducts the victim interview and determine at what point in the investigation the victim will be interviewed.
 - b) SIU shall notify the home county case manager to request the necessary medical and psychological examinations, referrals for services, and arrange transportation, if needed.
 - c) Home county case managers shall inform the biological parents of an investigation involving their child and the status of the child's safety within forty-eight (48) hours of receiving the notification of an investigation from SIU.
 - d) Every effort shall be made to minimize trauma to the children involved in these investigations.
7. **For children not in DCS custody that reside in a licensed facility:**

SIU shall coordinate the notification of the parents or

guardians of the child regarding the allegations and any necessary services with a representative from the facility.

G. Safety decisions and responsibilities

1. Based upon interviews and observations, SIU staff shall assess the child's immediate needs to ensure safety. Every effort shall be made to preserve critical relationships and maintain stability for the child. These decisions shall be made in conjunction with DCS supervisory staff and when applicable CPIT, DCS Internal Affairs, DCS licensing, Department of Human Services day care licensing, and Department of Mental Health Developmental Disabilities and Department of Health licensing.

2. Safety concerns and recommendations shall be addressed in the following manner:

a) **Custodial children:**

- ◆ SIU staff shall determine the safety of the child and make removal decisions based upon the child's best interest, imminent risk, and in consultation with regional and legal staff.
- ◆ If removal is warranted, regional staff shall be responsible for securing the child's placement and transportation to the placement.
- ◆ Foster parent support shall also be responsible for providing information
- ◆ If corrective action is warranted to ensure the child's safety and preserve the resource placement, SIU, the home county case manager, foster parent support case manager, and supervisor shall jointly develop a plan to address safety concerns. The foster parent support case manager shall be responsible for monitoring the plan for compliance.

b) **Non-custodial children:**

If removal of a child is warranted:

- ◆ SIU staff will be responsible for contacting DCS legal and coordinating the efforts to file the petition for custody in the appropriate court.
- ◆ SIU shall be responsible for completing all available intake information in TNKIDS and following regional protocol for Child Welfare Benefits.

- ◆ Regional foster parent support staff shall be responsible for securing placement for the child.
- ◆ SIU staff shall be responsible for transporting the child to the placement with assistance from regional staff as needed to ensure timeliness with the least amount of emotional trauma to the child(ren).

c) Day care settings:

SIU shall conduct joint investigations with DHS licensing staff and information shall be conveyed to the DHS day care licensing counselor or supervisor per the DCS/DHS *Memorandum of Understanding*. Information shall be shared within three (3) days of the classification decision and shall minimally include:

- ◆ The classification decision and if indicated, the person(s) responsible for the child abuse or neglect;
- ◆ Recommendations on imminent risk to the child(ren) and any actions deemed appropriate to ensure the safety of the child(ren).

d) Licensed contract agency:

Information shall be conveyed to the licensed agency and appropriate licensing specialist or supervisor regarding the outcome of the investigation. Information shall be shared within 3 days of the classification decision and shall minimally include:

- ◆ The classification decision and if indicated, the person(s) responsible for the child abuse or neglect;
- ◆ Recommendations on imminent risk to the child(ren) and necessary corrective actions to ensure the safety of the child(ren).

H. Completion of investigation and classification

1. The SIU staff shall complete the required investigative tasks and documentation within the sixty (60) day timeframe required by law.
2. SIU shall classify the allegations and follow all due process procedures as required by DCS policies [14.10, Child Protective Services Commissioner's Case File Review of Indicated Neglect or Abuse Investigations](#) and [14.11, Child Protective Services Due Process](#).

- I. Documentation for SIU investigations** SIU Investigators shall provide complete, concise documentation that justifies case findings. Investigators shall regard case documents as confidential at all times and shall document the following in TNKIDS:
- ◆ Content of the Interviews;
 - ◆ Observations; and
 - ◆ Recommendations
- J. Notification procedures at the conclusion of an SIU investigation** SIU staff shall make the following notifications regarding the results of an investigation within three (3) days of the classification decision:
- 1. Custodial children in foster homes or contract placements:**
 - a) Home County Case Manager or supervisor via email, copying the appropriate Regional Administrator and the Director of Continuous Quality Improvement and Resource Management.
 - b) Home County Case Manager shall be responsible for notifying the biological or legal parents of the foster child regarding the outcome of the investigation.
 - c) Home County Case Manager shall receive a copy of DCS form *CS-0740, CPS Investigation Summary and Classification* when the case is closed.
 - d) Appropriate licensing entity shall receive via email the classification decision and any information pertinent to protecting children regarding the investigation.
 - e) Additional concerns and recommendations regarding safety shall be relayed to the home county case manager.
 - 2. Custodial children placed in a YDC or Group Home:**
 - a) Home county case manager or supervisor via email, copying the appropriate YDC Superintendent, Group Home Director and the Regional Administrator.
 - b) Home county case manager shall receive a copy of DCS form *CS-0740, CPS Investigation Summary and Classification*.
 - c) The YDC Superintendent or Director shall receive a copy of form *CS-0740, CPS Investigation Summary and*

Classification if the allegations involve a staff member.

- d) DCS licensing via e-mail shall receive the classification decision and any information pertinent to protecting children information regarding the investigation.

3. DCS Employees:

Regional administrator, YDC Superintendent Or Group Home Director, and Internal Affairs

4. Licensed Agency Employees:

- a) Licensed agency administrator and the Director of Contract Monitoring
- b) Serious Incident Review Committee
- c) DCS licensing via email shall receive the classification decision and any information pertinent to protecting children information regarding the investigation.

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| K. Case file reviews | SIU Team leaders shall review for closure all case files completed within the sixty (60)-day timeframe as required by statute. |
| L. Data collection | Data will be collected and reported monthly regarding the workload of SIU investigators. The Director of SIU shall submit a quarterly report to the Inspector General. |
| M. SIU records management | <ul style="list-style-type: none">1. Closed case files will be labeled confidential and stored under double locks. File destruction shall be governed by DCS Policies and Procedures and Records Disposition Authority (RDA) in compliance with the DCS Office of Records Management.2. Active case files shall be developed in a consistent manner among all SIU teams and file management will be the responsibility of each team leader. |

Forms

CS-0740 CPS Investigation Summary and Classification

Collateral Documents

None

Standards

None